

Samuel Maida (SBN 333835)
HAUSFELD LLP
600 Montgomery Street, Suite
3200 San Francisco, CA 94111
Tel: 415-633-1908
Fax: 415-358-4980
Email: smaida@hausfeld.com

Manuel J. Dominguez (pro hac vice)
COHEN MILSTEIN SELLERS & TOLL PLLC
11780 U.S. Highway One, Suite N500
Palm Beach Gardens, FL 33408
Tel: 561-515-2604
Fax: 561-515-1401
Email: jdominguez@cohenmilstein.com

Jeffrey J. Corrigan (pro hac vice)
SPECTOR ROSEMAN & KODROFF, P.C.
2001 Market Street, Suite 3420
Philadelphia, PA 19103
Tel: 215-496-0300
Fax: 215-496-6611
Email: jcorrigan@srkattorneys.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**IN RE: DA VINCI SURGICAL
ROBOT ANTITRUST LITIGATION**

Lead Case No. 3:21-CV-03825-AMO

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

DECLARATION OF MARK EARLY

The Hon. Araceli Martínez-Olguín

I, Mark Early, declare as follows:

1. At all times relevant to this declaration, I have been the Chief Financial Officer of Larkin Community Hospital (“Larkin”). I have personal knowledge of the facts set forth in this declaration.

2. In August 2024, I was asked by the attorneys representing Larkin in this litigation to prepare a declaration to be filed concurrently and in support of Plaintiffs’ Reply in Support of Class Certification (“Early Class Dec.”).

3. The Early Class Dec. included detailed information about confidential agreements between Larkin and Defendant Intuitive Surgical, Inc. (“Intuitive”); details about the negotiations that occurred between Larkin and Intuitive related to da Vinci robot repair and replacement, and equipment lease agreements; and detailed information regarding Larkin’s finances and monies paid to Intuitive.

4. I also understand that defendant Intuitive has filed documents that provide details pertaining to the same confidential agreements and negotiations (“the Intuitive Materials”).

5. The contract matters detailed in the Early Class Dec. and Intuitive Materials are unrelated to this litigation, and contain sensitive information regarding Larkin’s business operations and strategy, and financials.

6. At all relevant times, and consistent with industry practice, Larkin intended that the details of its agreements with Intuitive remain confidential and non-public. To that end, I have not revealed the details, or terms and conditions of those agreements publicly.

7. Public disclosure of the specified information detailed below included in the Early Class Dec. and the Intuitive Materials would give insights into Larkin’s finances and business strategy and could allow vendors to use this information to take advantage of Larkin in unrelated negotiations.

Material	Sealing Justification
Early Dec. ¶ 3	Confidential Agreement Terms
Early Dec. ¶ 7	Confidential Agreement Terms
Early Dec. ¶ 8	Confidential Agreement Terms
Early Dec. ¶ 15	Confidential Financials/Payment Terms

1	Early Dec. ¶ 17	Confidential Financials/Payment Terms
2	Early Dec. ¶ 18(ii)	Confidential Financials/Payment Terms
3	Early Dec. ¶ 18(iv)	Confidential Financials/Payment Terms
4	Early Dec. ¶ 19	Confidential Financials/Payment Terms
5	Widman Dec. ¶ 2	Confidential Financials/Payment Terms
6		Confidential Agreement Terms
7	Widman Ex. 1, p. 1	Confidential Financials/Payment Terms
8		Non-Public Contact Information
9	Widman Ex. 1, p. 2	Confidential Financials/Payment Terms
10	Widman Ex. 1, p. 3	Confidential Financials/Payment Terms
11	Widman Ex. 1, p. 4	Confidential Financials/Payment Terms
12		Non-public Contact Information
13	Widman Ex. 1, p. 5	Confidential Financials/Payment Terms
14		Non-public Contact Information
15	Widman Ex. 1, p. 6	Confidential Financials/Payment Terms
16		Non-public Contact Information
17	Widman Ex. 1, p. 7	Non-Public Business Strategy
18		Non-public Contact Information
19	Widman Ex. 1, p. 8	Non-public Contact Information
20	Widman Ex. 1, p. 10	Confidential Financials/Payment Terms
21		Non-public Contact Information
22	Widman Ex. 1, p. 11	Confidential Financials/Payment Terms
23		Non-public Contact Information

1 I declare under penalty of perjury that the foregoing is true and correct.

2 EXECUTED: October 24, 2024 in Miami Florida.

3 
4 _____
5 Mark Early